

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KEVIN MULLINS, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THE KROGER COMPANY; SMITH'S FOOD & DRUG CENTERS, INC. d/b/a FRY'S FOOD AND DRUG,

Defendants.

Case No. 1:19-CV-964

Judge Michael R. Barrett

JACOB WILSON, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THE KROGER COMPANY; ROUNDY'S SUPERMARKETS, INC. d/b/a PICK 'N SAVE,

Defendants.

Case No. 1:20-CV-936

CHRISTOPHER LEVI, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THE KROGER COMPANY; FRED MEYER STORES, INC. d/b/a FRED MEYER,

Defendants.

Case No. 1:21-CV-42

THOMAS SCHELL and CHRISTOPHER RILEY, *individually and on behalf of all others similarly situated,*

Plaintiffs,

v.

THE KROGER COMPANY d/b/a KROGER,
Defendant.

WILLIAM POWELL, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THE KROGER COMPANY; DILLON COMPANIES, LLC. a/k/a KING SOOPERS INC. d/b/a KING SOOPERS/CITY MARKET,

Defendants.

ISIAH LOVENDAHL, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THE KROGER COMPANY; SMITH'S FOOD & DRUG CENTERS, INC. d/b/a SMITH'S FOOD AND DRUG,

Defendants.

Case No. 1:21-CV-103

Case No. 1:21-CV-345

Case No. 1:21-CV-350

ORDER

This matter is before the Court upon notice that the parties have reached a universal settlement. In the interest of judicial economy, the Court seeks to clarify its position on judicial approval of settlement agreements arising from actions brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*

As Judge Cole recently opined, “[m]any parties, and many courts, proceed on the assumption that federal law requires court approval for an FLSA settlement.” *Gilstrap v. Sushinati LLC*, ___ F.Supp.3d ___, No. 1:22-CV-434, 2024 U.S. Dist. LEXIS 88152, at *5 (S.D. Ohio May 15, 2024). But as his well-reasoned opinion in *Gilstrap* also explains, “[t]he FLSA’s text provides no support for a court-approval rule,” and “[n]either the Supreme Court nor the Sixth Circuit has ever squarely held that FLSA settlements require preapproval by a federal court.” *Id.* at *5, *9. Moreover, the Court agrees that a court-approval rule for FLSA settlements would be “incompatible with the Federal Rules of Civil Procedure.” *Id.* at *17.

Following careful review, the Court opts to join “the trend emerging in this District of eliminating the prudential condition that requires district court approval of FLSA settlements.” *Cataline v. Beechmont Brewing, LLC*, No. 1:23-CV-621, 2024 U.S. Dist. LEXIS 179698, at *2 (S.D. Ohio Sep. 26, 2024). Consequently, the Court **INSTRUCTS** the parties to administer the settlement under the agreement’s own terms and Federal Rule of Civil Procedure 41(a).

IT IS SO ORDERED.

/s/ Michael R. Barrett

Michael R. Barrett
United States District Judge